

REMARKS/ARGUMENTS

This paper is filed responsive to the Office Action mailed October 28, 2005, in the above-identified matter. Presently, claims 1 to 20 are pending in the application. Claim 19 stands rejected under 35 USC §112, second paragraph. Claims 1 to 7 and 9 to 19 stand rejected under 35 USC §103(a) over the Cummings et al. US Patent No. 4,744,951 and the Forstrom et al. US Patent No. 4,169,124, or alternatively over the Moore et al. US Patent No. 4,169,123 and Cummings et al. Claim 20 stands rejected under 35 USC §103(a) over Cummings et al., Forstrom et al, and the Spencer et al. US Patent No. 5,656,238. Claims 1 to 20 stand rejected under 35 USC §101 over claims 1 to 20 of US Patent No. 6,656,424. Claims 1 to 20 also stand rejected under the doctrine of obviousness-type double patenting over claims 1 to 20 of US Patent No. 6,325,972. Claims 1 to 7 stand rejected under the doctrine of obviousness-type double patenting over claims 1, 2, 4 and 5 of US Patent No. 6,627,150. Applicants respectfully traverse rejections and request reconsideration and reexamination of the application.

As a preliminary matter, one of the references submitted with the Information Disclosure Statement was not considered by the Examiner for being in the German language. An English language abstract is provided herewith.

The Examiner has rejected claim 19 under 25 USC §112, second paragraph. It had an incorrect dependency, the correction of which in the present amendment moots the rejection.

The Examiner has rejected claims 1 to 7 and 9 to 19 over either Cummings et al. and Forstrom et al., or over Moore et al. in combination with Cummings et al. There is no motivation for making the alleged combinations and even if made, they would fail to reach the claimed invention. As regards Cummings et al. and Forstrom et al., Cummings et al. take great pains to remove water from the hydrogen peroxide in a chamber separate from the sterilization chamber to prevent water vapor from reaching instruments in the sterilization chamber. As a matter of fact, they specifically teach away from anything remotely like the present invention in column 5, lines 13-28. Accordingly, if one of ordinary skill in the art would attempt to combine these teachings, they would avoid creating water vapor which could reach the sterilization chamber. They would therefore at best use the syringe of Forstrom et al. to extract the water

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vapor from the prechamber 10 of Cummings et al., but would not extract water through the sterilization chamber. The situation with Moore et al. is essentially the same; however, the Examiner has not explained the rationale behind the rejection employing Moore et al. making a response thereto impossible for Applicants. Applicants respectfully submit that the Examiner has not established a prima facie case of obviousness of claims 1 to 7 and 9 to 19 over either the combination of Cummings et al. and Forstrom et al. or Moore et al. and Cummings et al.

The Examiner has rejected claim 20 under 35 USC §103(a) over Cummings et al., Frostrom et al. and Spencer et al. Claim 20 patentably defines over these references for the same reasons set forth with respect to claims 1 to 7 and 9 to 19.

The Examiner has rejected claims 1 to 20 under 35 USC §101 over claims 1 to 20 of US Patent No. 6,656,424. That patent is directed to a method of sterilization using ultraviolet radiation and its claims differ quite substantially from the present claims. This must have been a mistake. There is another patent in the prior art citations, US Patent No. 6,656,427, yet this patent also has claims quite distinct from the present claims 1 to 20. Accordingly, Applicants respectfully submit that the rejection is in error.

The Examiner has rejected claims 1 to 20 over claims to 20 of US Patent No. 6,325,972 and claims 1 to 7 over claims 1, 2, 4, and 5 of US Patent No. 6,627,150 under the doctrine of obviousness-type double patenting. An appropriate Terminal Disclaimer is enclosed herewith.

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Applicants submit that the application as presently amended is in condition for allowance and request favorable reconsideration and notice of allowance. If it would speed prosecution, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

By: /Andrew C. Farmer/
Andrew C. Farmer
Reg. No. 35,868

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2825
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